

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 25-2, SUBCHAPTER C, ARTICLE 9  
OF THE CITY CODE RELATING TO LANDSCAPING FOR RESIDENTIAL  
SUBDIVISIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** Section 25-2-981 (*Applicability; Exceptions*) Subsection (B) is amended to read:

(B) Division 2 (*Requirements for a Site Plan*) and Division 3 (*Additional Site Plan Requirements in Hill Country Roadway Corridors*) do [~~This article does~~] not apply to:

- (1) property zoned central business district or downtown mixed use district;
- (2) a lot containing one single-family residence;
- (3) a lot containing one duplex residence, unless the residence exceeds 4,000 square feet of gross floor area or has more than six bedrooms;
- (4) a two-family residential use;
- (5) a secondary apartment special use;
- (6) substantial restoration of a building within one year after the building is damaged;
- (7) restoration of a building designated as a historic landmark; or
- (8) interior or facade remodeling, if the front and side exterior walls of the building remain in the same location.

**PART 2.** Chapter 25-2, Subchapter C, Article 9 (*Landscaping*) of the City Code is amended to add a new Division 4 to read:

**Division 4. Additional Requirements for Residential Subdivisions.**

**§25-2-1031 APPLICABILITY OF DIVISION.**

The requirements of this division apply to a lot in a residential subdivision in the city's zoning jurisdiction. This division does not authorize removal of trees.

**§25-2-1032 TREES REQUIRED.**

Each single family lot in a residential subdivision shall contain at least three trees of at least two different species listed in the Environmental Criteria Manual, Appendix F (*Descriptive Categories of Tree Species*). The trees must be planted or preserved in accordance with this division and the Environmental Criteria Manual.

**§25-2-1033 TREES PLANTED.**

(A) A tree planted under this division shall:

- (1) be suitable, as defined in the Environmental Criteria Manual;
- (2) meet the spacing and location requirements in the Environmental Criteria Manual; and
- (3) be maintained in accordance with the Environmental Criteria Manual.

(B) The size of a tree planted under this division shall be:

- (1) at least two inches in diameter measured six inches above root flare;  
or
- (2) if an understory tree, at least one inch in diameter measured six inches above root flare.

**§25-2-1034 TREES PRESERVED.**

(A) A tree required under this division may be satisfied by preserving an existing tree on the lot.

(B) The city arborist may adjust the requirements in section 25-2-1032 (*Trees Required*) based on preservation of:

(1) an existing tree of a species listed in the Environmental Criteria Manual, Appendix F (*Descriptive Categories of Tree Species*); or

(2) a protected tree or heritage tree as defined in section 25-8-602 (*Definitions*).

(C) To satisfy the tree requirement through preservation, the applicant must demonstrate, to the satisfaction of the city arborist, that the tree has not been damaged in a manner that could jeopardize its long-term survival.

(D) A tree preserved under this division shall

(1) meet the spacing and location requirements in the Environmental Criteria Manual; and

(2) be maintained in accordance with the Environmental Criteria Manual.

(E) The size of a tree preserved under this division shall be at least two inches in diameter measured four and a half feet above natural grade.

#### **§25-2-1036 ALTERNATIVE COMPLIANCE.**

A tree required under this division may be satisfied by preserving or planting a tree off-site, only if the Watershed Protection and Development Review Department director determines that:

- (1) due to special circumstances unique to a property, preserving or planting three trees on a particular single family lot is not feasible;
- (2) the proposed off-site tree will adequately achieve, or be an improvement on, the intent of this division; and
- (3) the proposed off-site tree will meet the requirements of section 25-2-1033 or 25-2-1034 and will be preserved or planted in the subdivision within which the particular single family lot is located.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2009.

**PASSED AND APPROVED**

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\_\_\_\_\_, 2009

\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_

David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk

*Draft*